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DATE FILED: 4/1/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN POLANCO, on behalf himself and
others similarly situated,

Plaintiff,

-against-

70 SHERMAN DRY CLEANERS INC. d/b/a
FIVE STAR CLEANERS, and CHOON S. KIM,

Defendants.

Case No. 20-CV-7453
(VSB) (RWL)

STIPULATION AND ORDER OF DISMISSAL

WHEREAS, on September 11, 2020, plaintiff Juan Polanco ("Plaintiff") filed a complaint, which asserted claims for, *inter alia*, unpaid minimum wages and overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* ("FLSA"), and the New York Labor Law;

WHEREAS, although commenced as a putative collective action under the FLSA, Plaintiff did not seek certification and no individuals received notice of this action;

WHEREAS, the parties settled this action based upon arms-length negotiations, the terms of which have been judicially reviewed and are deemed fair and reasonable, and are incorporated herein by reference; and

WHEREAS, the United States District Court for the Southern District of New York shall retain jurisdiction over all proceedings solely to enforce the terms of the settlement between the parties in this action;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the Plaintiff and Defendants that this action is hereby dismissed and discontinued in its entirety with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, with no award of counsel fees or costs by the Court to either side.

Dated: New York, New York

February 2, 2021

March 31

For the Plaintiff:

CILENTI & COOPER, PLLC

By: 

Justin Cilenti

Attorneys for Plaintiff

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For the Defendants:

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By: 

Hyung (James) S. Kim

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So Ordered

~~Hon. Vernon S. Broderick, U.S.D.J.~~

Robert W. Lehrburger, U.S.M.J.

SO ORDERED:

4/1/2021 

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE